

EXHIBIT 8
DATE 1/22/07
HB 174



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill #	HB0174	Title:	Revise reimbursement of counties for detention costs
Primary Sponsor:	Lambert, C.	Status:	As Introduced

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| <input checked="" type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$6,523,667	\$6,523,667	\$6,523,667	\$6,523,667
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>(\$6,523,667)</u>	<u>(\$6,523,667)</u>	<u>(\$6,523,667)</u>	<u>(\$6,523,667)</u>

Description of fiscal Impact:

This bill would require the Department of Corrections to pay for the cost of incarcerating all defendants at a county detention facility from the time the offender is found guilty, pleads guilty or pleads nolo contendere or when DOC arrests someone on a probation/parole revocation.

FISCAL ANALYSIS

Assumptions:

1. The current average daily contract rate in county jails for males and females is \$61.80 per day.
2. The Department of Corrections would be required to pay for probation violator time in county jail from arrest to court revocation action date. In FY 2005 there were 844 probation violators processed.
3. The time between arrest and court revocation for probation violators is as follows: 25 percent stay an additional eight days, 25 percent stay an additional 31 days, 25 percent stay an additional 65 days and 25 percent stay an additional 168 days. $[(844 \times .25 \times 8 \times \$61.80 = \$104,318.40) + (844 \times .25 \times 31 \times \$61.80 = \$404,233.80) + (844 \times .25 \times 65 \times \$61.80 = \$847,587) + (844 \times .25 \times 168 \times \$61.80 = \$2,190,686.40)]$
4. DOC would be required to pay for days between conviction and sentencing of new commitments. In FY 2005 there were 768 new commitments.

5. The time between plea or verdict and sentencing for new commits is as follows: 26 percent are sentenced upon conviction, 29 percent stay an additional 43 days, 29 percent stay 85 days and 16 percent stay 160 days. $[(768 \times .29 \times 43 \times \$61.80 = \$591,856.13) + (768 \times .29 \times 85 \times \$61.80 = \$1,169,948.16) + (768 \times .16 \times 160 \times \$61.80 = \$1,215,037.44)]$
6. The cost to the state will rise as county jail hold rates increase.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
<u>Expenditures:</u>				
Operating Expenses	\$6,523,667	\$6,523,667	\$6,523,667	\$6,523,667
<u>Funding of Expenditures:</u>				
General Fund (01)	\$6,523,667	\$6,523,667	\$6,523,667	\$6,523,667
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$6,523,667)	(\$6,523,667)	(\$6,523,667)	(\$6,523,667)

Effect on County or Other Local Revenues or Expenditures:

1. Currently counties are responsible for confinement costs of probationers until they are revoked and new commitments until they are sentenced to DOC. This bill would change that and create additional revenue to counties.

Sponsor's Initials_____
Date_____
Budget Director's Initials_____
Date

FISCAL NOTE

Bill #: HB0243

Title: Revise reimbursement of county for detention costs

Primary Sponsor: Lambert, C

Status: As introduced

Sponsor Signature

Date

David Ewer, Budget Director

Date

Fiscal Summary

	<u>FY 2005 Difference</u>	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
Expenditures:			
General Fund	\$415,518	\$1,662,073	\$1,662,073
Revenue:			
General Fund	\$0	\$0	\$0
Net Impact on General Fund Balance:	(\$415,518)	(\$1,662,073)	(\$1,662,073)

☐ Significant Local Gov. Impact

☐ Technical Concerns

☐ Included in the Executive Budget

☒ Significant Long-Term Impacts

☐ Dedicated Revenue Form Attached

☒ Needs to be included in HB 2

Fiscal Analysis

ASSUMPTIONS:

1. The FY 2005 average daily contract rate in county jails for males and females is \$54.27 per day.
2. The Department of Corrections would be required to pay for probation violator time in county jail from arrest to court revocation action date. In FY 2003 there were 678 probation violators processed.
3. The time between arrest and court revocation for probation violators is as follows: 50 percent stay an additional four days, 25 percent stay an additional 16 days, 25 percent stay an additional 35 days. $[(678 \text{ violators} \times 50 \text{ percent} \times 4 \text{ days} \times \$54.27 = \$73,590.12) + (678 \text{ violators} \times 25 \text{ percent} \times 16 \text{ days} \times \$54.27 = \$147,180.24) + (678 \text{ violators} \times 25 \text{ percent} \times 35 \text{ days} \times \$54.27 = \$321,956.78)]$
4. DOC would be required to pay for days between conviction and sentencing of new commitments. In FY 2003 there were 710 new commitments.
5. The time between plea or verdict and sentencing for new commits is as follows: 11 percent are sentenced upon conviction, 44 percent stay an additional 20 days, 45 percent stay 45 days. $[(710 \text{ commits} \times 44 \text{ percent} \times 20 \text{ days} \times \$54.27 = \$339,078.96) + (710 \text{ commits} \times 45 \text{ percent} \times 45 \text{ days} \times \$54.27 = \$780,266.93)]$

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6. This bill becomes effective upon passage and approval and could incur additional expenditures for April, May and June 2005. The total additional expenditures could be 25 percent of the full year total or a total of \$415,518.26. These costs will be incurred in FY 2005 and are unbudgeted. No funds are available in the FY 2005 budget for these new DOC costs.

FISCAL IMPACT:

	<u>FY 2005 Difference</u>	<u>FY 2006 Difference</u>	<u>FY 2007 Difference</u>
<u>Expenditures:</u>			
Operating Expenses	\$415,518	\$1,662,073	\$1,662,073
<u>Funding of Expenditures:</u>			
General Fund (01)	\$415,518	\$1,662,073	\$1,662,073
<u>Revenues:</u>			
General Fund (01)	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>			
General Fund (01)	(\$415,518)	(\$1,662,073)	(\$1,662,073)

FISCAL NOTE

Bill #: HB0418

Title: Revise reimbursement of county for detention costs

Primary Sponsor: Lambert, C

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
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Fiscal Summary

	<u>FY 2003 Difference</u>	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:			
General Fund	\$334,877	\$1,339,508	\$1,339,508
Revenue:			
General Fund	\$0	\$0	\$0
Net Impact on General Fund Balance:	(\$334,877)	(\$1,339,508)	(\$1,339,508)

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|---|---|
| <input type="checkbox"/> Significant Local Gov. Impact
<input type="checkbox"/> Included in the Executive Budget
<input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Technical Concerns
<input type="checkbox"/> Significant Long-Term Impacts
<input checked="" type="checkbox"/> Needs to be included in HB 2 |
|---|---|

Fiscal Analysis

ASSUMPTIONS:

1. The average daily contract rate in county jails for male and female is \$53.99 per day.
2. The Department of Corrections (DOC) would be required to pay for probation violator time in county jails from arrest to court revocation action date. In FY 2002 there were 651 probation violators processed.
3. The time between arrest and court revocation for probation violators is as follows: 50 percent stay an additional four days, 25 percent stay an additional 16 days, 25 percent stay an additional 35 days. $[(651 \times .50 \times 4 \times \$53.99 = \$70,294.98) + (651 \times .25 \times 16 \times \$53.99 = \$140,589.96) + (651 \times .25 \times 35 \times \$53.99 = \$307,540.54)]$
4. DOC would be required to pay for days between conviction and sentencing of new commitments.
5. The time between plea or verdict and sentencing for new commits is as follows: 34 percent are sentenced upon the conviction, 33 percent stay an additional 20 days, 33 percent stay 45 days. $[(709 \times .33 \times 20 \times \$53.99 = \$252,640.81) + (709 \times .33 \times 45 \times \$53.99 = \$568,441.81)]$
6. The bill becomes effective upon passage and could incur additional expenditures for April, May, and June 2003. The total additional expenditures could be 25 percent of the full year total or a total of \$334,877. These costs will be incurred in FY 2003 and are unbudgeted. No funds are available in FY 2003 budget for these new DOC costs.

Fiscal Note Request HB0418, As Introduced
(continued)

FISCAL IMPACT:

	<u>FY 2003 Difference</u>	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Department of Corrections (Program 2)			
<u>Expenditures:</u>			
Operating Expenses	\$334,877	\$1,339,508	\$1,339,508
<u>Funding of Expenditures:</u>			
General Fund (01)	\$334,877	\$1,339,508	\$1,339,508
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>			
General Fund (01)	(\$334,877)	(\$1,339,508)	(\$1,339,508)